Housing and Property Chamber
First-tier Tribunal for Scotland

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act")

Chamber Ref: FTS/HPC/EV/25/3529

Re: Property at 2 Barnfield Wynd, Newton Mearns, Glasgow, G77 6XP ("the Property")

Parties:

Mr Oluwaseun Remi-Omosowon, 15 Townsend lane, Rugby, Longlawford, CV23 9DQ ("the Applicant")

Mrs Audrey Fleming, 2 Barnfield Wynd, Newton Mearns, Glasgow, G77 6XP ("the Respondent")

Tribunal Members:

Lindsay Paterson (Legal Member) and Sandra Brydon (Ordinary Member)

Decision in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that that the Applicant intends to live in the Property and that it is reasonable for an order for eviction to be granted.

Background

1. By application dated 18 May 2026 the Applicant sought an eviction order under Section 51 and Ground 4 of Schedule 3 of the 2016 Act and in terms of Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the procedure rules"). A section 11 notice, tenancy agreement, notice to leave with proof of service, a letter confirming an offer of employment from a firm in Glasgow addressed to the Applicant, proof of business flights booked in the name of the Applicant, paid for by that firm, to Glasgow, and proof of temporary accommodation booked in Glasgow, were all lodged in support of the application, prior to the application being accepted on 10 August 2026.
2. A copy of the application was served on the Respondent by sheriff officer on 01 September 2026 and parties were notified that a case management

discussion ("CMD") would take place by teleconference on 03 November 2026 at 2pm.

3. The Respondent was invited to lodge a written response to the application by 21 September 2026 but failed to do so.

The Case Management Discussion

4. The case called for a CMD by way of teleconference on 03 November 2026 at 2pm.
5. The Applicant attended the CMD. Although he had previously been represented, the Applicant advised the Tribunal he was now representing himself.
6. The Respondent did not attend the CMD. The Tribunal clerk attempted to reach the Respondent by telephone but was not able to reach her.
7. The Applicant told the Tribunal that he orginally lived in the Property himself but decided to rent it out when he moved abroad for work. He does not own any other properties.
8. The Applicant told the Tribunal he has now returned to Scotland and has a permanent job in Glasgow. He had hoped to move back into the Property but, as he has been unable to do so, he is currently renting a one-bedroom flat in Glasgow city centre at a cost of £2300 per month. He can end that tenancy by providing 30 days notice.
9. The Applicant told the Tribunal that he has a mortgage on the Propety which is £1900 per month. In addition to that he has other costs relating to the Property such as insurance and taxes.
10. The Applicant told the Tribunal that half of the income he receives from the rent he requires to pay as tax and therefore the income left is not enough to cover the mortgage and other costs.
11. The Applicant had orginally issued a notice to leave, via his representative, and made an application to the Tribunal based on the ground of rent arrears (ground 12). However, after deciding to move back to Scotland, the Applicant, via his agent, issued a second notice to leave based on ground 4 (landlord intends to live in the let property).
12. The Applicant confirmed he is now only relying on the ground that he wishes to live in the let property (ground 4).
13. The Applicant told the Tribunal that the Respondent had recently received assistance from the council and, as a result, a significant amount of the rent arrears that had accrued were paid off. However, the Applicant advised there are still outstanding arrears of approimately £5000 and these are increasing by around £600 per month due to a shortfall between the rent and the benefit payments now being received. The Applicant advised the Tribunal that even if the rent was being paid in full it would not meet the full costs of the Property given the tax he is paying on the rent income. On top of those costs, he now also has his own rent to pay.
14. The Applicant told the Tribunal the situation is having a significant impact on him and his plans to settle back in Scotland. The Applicant advised his parents would normally come out and stay with him during the summer months, but this has not been possible due to his current rented accommodation being too small. He had also hoped to have his brother and his brother's family stay with him but has not been able to do so given his

current housing situation. His financial situation is significalty impacted by the ongoing costs of the Property combined with the costs of his rent.

15. The Applicant told the Tribunal that he had no direct contact with the Respondent but had been provided with details of her personal circumstances from the letting agent who manages the property for him.
16. The Applicant told the Tribunal that he believes the Respondent lost her job and is now in receipt of assistance with the rent payments.
17. The Applicant told the Tribunal that he believes the Respondent has children living in the Property with her. He does not know how many children the Applicant has. He had understood when the Applicant moved in that she had two children but said it is possible she has three. He does not know the ages of the children but believes they are of school age.
18. The Applicant does not think the Respondent's children attend local school as he is friendly with the neighbours who have mentioned to him that the Applicant's children do not attend the same school as their children.
19. The Applicant told the Tribunal that there is a possibility the Applicant has a disability as he thought the letting agent had told him previously that the Respondent had advised she was neurodivergent.
20. The Applicant advised that he had been in touch with the council to try to help find alternative accommodation for the Respondent. The council told him they will not be able to rehouse the Respondent until an eviction order is granted.
21. The Applicant believes the Respondent has been to the council with the notice to leave herself, as the council has provided financial assistance to her which has significantly reduced the rent arrears. However, the Applicant was unable to confirm if the Respondent has sought rehousing directly with the council. The Applicant advised that he believes the Respondent would have been given the same information from the council that he has been given, namely that they will not consider offering her alternative accommodation unless an eviction order is granted.

Findings in Fact

22. The Applicant is the owner of the Property.
23. The Respondent is the tenant of the Property.
24. Parties entered into a Private Residential Tenancy ("PRT") on 14 June 2024.
25. The Applicant intends to live in the Property as his only or principal home.
26. The Applicant is experiencing financial difficulties due to the cost of paying for both the Property and his rented tenancy.
27. The Applicant, through his agent, served upon the Respondent a valid notice to leave as required by the 2016 Act dated 17 July 2025.
28. The Applicant has been advised by the council that they are unable to offer alternative accommodation to the Respondent unless an order for eviction is granted.

Reasons for Decision

29. The Tribunal was satisfied that the Respondent had received notice of the CMD and was content to continue in her absence.
30. The Tribunal was satisfied that the Applicant has complied with Sections 52(3), 54 , 56 and 62 of the 2016 Act.

31. Section 51(1) of the 2016 Act states, “The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies”.
32. The ground for eviction under which this application was made is the ground contained within paragraph 4 of schedule 3 of the 2016 Act. That ground is that the landlord intends to live in the let property.
33. In terms of paragraph 4(2) of schedule 3 of the 2016 Act the Tribunal may find ground 4 applies where the landlord (a) intends to occupy the let poperty as the landlord’s only or principal home for at least three months, and (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
34. On the basis of the information contained in the application and provided by the Applicant at the CMD, and in the absence of any information from the Respondent, the Tribunal accepted that ground 4 had been established.
35. In determining whether it is reasonable to grant the order, the Tribunal is required to balance all the evidence which has been presented and to weight the various factors which apply to the parties.
36. In this case the Tribunal finds that it is reasonable to grant the order. The balance of reasonableness in this case is weighted towards the landlord in this application for the reasons set out in paragraph 37 below.
37. The Tribunal took into account that the Respondent has children residing with her at the Property, that she has lost her job, is in receipt of benefits, and that she may have a disability. However, the Tribunal balanced this against the Applicant’s own personal circumstances, particularly the significant financial pressure he is under due to paying for rent in addition to costs relating to the Property, which far exceed the income being received from rent. The Tribunal also took into account the impact living in a one-bedroom flat is having on the Applicant’s family life due to his inability to have family stay with him. Finally, the Tribunal took into account the Respondent’s failure to lodge written representations with the Tribunal or to attend the CMD, despite being offered an opportunity to do so, as well as the information provided to the Tribunal by the Applicant that local authority are aware the Respondent may need to be rehoused but have advised they cannot offer any assistance to her until an eviction order is granted. In all these circumstances, on balance, the Tribunal considered it reasonable to grant the order sought.

Decision

38. The Tribunal decided to exercise the power within Rule 17 of the procedure rules to make a decision on the application at the CMD as the Tribunal considered it had sufficient undisputed evidence before it to do so. The Tribunal determined that an eviction order in favour of the Applicant should be granted against the Respondent.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on

a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Lindsay Paterson

3rd November 2026

Legal Member/Chair **Date**